

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

A'SAILA THOMAS,

Plaintiff,

V.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No. 3:20-cv-325-SMD

MEMORANDUM OPINION AND ORDER

On November 17, 2020, the Commissioner filed an Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand to Defendant (Doc. 21) for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The Commissioner states that remand is necessary so that the Administrative Law Judge can take “further action needed to complete the administrative record and issue a new decision.” (Doc. 22, p. 1).

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

In this case, the Court finds reversal and remand necessary, as the Commissioner concedes that reconsideration and further development of the record are in order. Furthermore, Plaintiff does not oppose the Motion. Accordingly, it is:

ORDERED that the Commissioner's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand to Defendant (Doc. 21) is GRANTED. It is further:

ORDERED AND ADJUDGED that the decision of the Commissioner is REVERSED and that this case is REMANDED to the Commissioner for further proceedings. Finally, it is:

ORDERED that, in accordance with *Bergen v. Comm'r of Soc. Sec.*, 454 F.3d 1273, 1278 n.2 (11th Cir. 2006), the plaintiff shall have **90** days after she receives notice of any amount of past due benefits awarded to seek attorney's fees under 42 U.S.C. § 406(b). *See Blitch v. Astrue*, 261 F. App'x 241, 241 n.1 (11th Cir. 2008).

Done this 20th day of November, 2020.

/s/ Stephen M. Doyle
CHIEF UNITED STATES MAGISTRATE JUDGE